

EXHIBIT 10



Civil Engineering: Traffic • Municipal • Accident Investigations
Steven Schneider, P.E.
Principal

April 21, 2022

St. James Head of the Harbor Neighborhood Preservative Coalition, Inc.
c/o Joseph A. Bollhofer, Esq.
291 Lake Avenue
St. James, NY 11780

Re: Gyrodyne Subdivision – Traffic Impact Study Review
St. James, New York

Dear Mr. Bollhofer:

Schneider Engineering, PLLC has been retained to conduct a review of the traffic impacts for the proposed Gyrodyne Site on the southeast corner of State Route 25A and Mill Pond Road, Saint James, New York. Attached hereto as "Exhibit A" is my resume summarizing my qualifications and experience.

In review of the Traffic Impact Study dated July 2018, we offer the following comments:

1. The study itself is five years old. Not only is the data outdated but most of the anticipated and unanticipated impacts to the surrounding area are also old and may or may not have occurred as predicted by the report. As you read through the report, it constantly discusses items that were anticipated, but may not have actually come to fruition. The report must be updated to the current times in order to be valid.
2. The report focuses on the synergies with Stony Brook University, including The University, the Research and Development Park and the Medical Center. It also discusses the Flower Field Celebrations Catering Hall. In reality, the catering hall is an extremely small trip generator to the site due to its sporadic scheduling and most events occurring in the evening, during non-peak hour traffic for the roadway system.
3. They mention Gyrodynes marketing studies. A copy of the study/studies would be important for us to see.
4. According to the NYSDOT, the purpose of a Traffic Impact Study (TIS) is to fully assess and document the traffic impacts of a proposed development, and to

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identify mitigating measures to minimize those impacts, subject to Department approval. This study does not do that. There are dozens of assumptions that were made on what the impact might be on the property, the surrounding roadway system, and even the final geometry of many of the intersections included in the study. With no clear determination of what the applicant is applying for, the attempt of preparing a Traffic Impact Study is far from acceptable, based on all engineering standards.

5. The range of land-use possibilities are so great in this study, any slight addition or deletion will change the impact and outcome of the results on the local community and local roadways.
6. It is impossible to address any traffic safety issues and options, based on a wide range of possible developments. Any one development could change the traffic impact analysis dramatically.
7. With their report clearly stating, "the proposed subdivision is not necessarily the final land-use mix," anticipated development of the subdivided lots is impossible to analyze.
8. It states that "potential alternate uses for the subdivided property were developed keeping within a level of trip generation that can be successfully accommodated on the area roadways with appropriate mitigation measures." Trip generation is not only based on the number of trips per hour, but it is directly related to trip purpose. Someone going to a hotel, for example, might be coming from a different direction if they were going to a medical office building. The report is not clear nor can be, because the applicant has not given the engineer proper direction. The multitude of uses will drastically affect its impact on the local roadway system in and around the site. This is the continuous point that can be easily applied to almost all of their work.
9. The report discusses the use of a 244,000 square-foot medical office building, which they claim is an as of right. That is not true. Even though a medical office building might be an accepted option, the actual size of the building could be restricted by the available on-site parking and the buildings trip generation, may not be able to be handled on the residential type of roadway system.
10. The study does not address that many of the roads adjacent to the site are residential streets. Any large trip generators will, in fact, increase the number of trips in and around the local intersections as much as three to four, or more, times the current usage. The roadways are not designed for the traffic that this impact study poses for the area. The levels of service analysis clearly shows that.

11. The report notes that with some of the new uses proposed, they will be utilizing land banked parking to serve potential overflow parking from Lot 1. Why can't they maintain the parking requirements on each individual lot that they are proposing as their land-use? That is because it does not work on the individual lots.
12. Existing traffic counts were taken as early as February 2017. That is five years old.
13. Throughout the report, Stony Brook University had proposed developments that were to be in place by 2020. Now that 2022 is here, has any of that happened? Are there any new projects that the University is contemplating in the area? What are other projects that are anticipated to be added to the area that may not be University controlled? In their analysis there was supposed to be a 70,000 square-foot business development office at the Research and Development Park that was to be in place by 2020. Even in its study, for some reason they did not even include the possibility of that park in 2020. Why? The report claims that there is still a degree of uncertainty as to when this might be accomplished." This is just a little sample of the inaccuracies/unknowns and updates that are needed throughout the report.
14. The potential yield of the subdivision would generate 497 trips during the PM peak hour. How is that compared to the current counts at the closest residential intersection? How much of an increase with this be?
15. There is no detailed discussion of site distances for the newly proposed Route 25A curb cut. They just note that it would improve sightlines and facilitate internal circulation. That is not addressing the issue. We need actual calculations in order to make an engineering judgement.
16. The report states on page F-7, that "the right turn only driveway on Route 25A indicates significantly higher traffic that would challenge the intersection of Route 25A – Mills Pond Road.... Without this driveway, the intersection and its approaches would need to be widened..." Interestingly, in Table 6-5, it shows that only 5% of the external trips going to and from the Northeast will use 25A. If it is claimed that only 5% of the trips would be using this new proposed driveway, then there would still be a major impact at the intersection of Route 25A and Mills Pond Road, contrary to what the report says.
17. The report states that a signal has been warranted on Route 25A and Mills Pond Road since 2007. If it was warranted then, why hadn't the State put the signal in by 2022? Maybe they do not think it is warranted today. This should be discussed in the updated study. This intersection is one of the key intersections directly adjacent to the site and should be thoroughly investigated today.

18. The report states that NYSDOT is in the process of conducting an alternative analysis at Route 25A and Stony Brook Rd. to decide between a signal or a roundabout. This obviously must be addressed and updated in the study. All of these question marks must be addressed because of the tremendous effect it all has on this development and the local community.
19. Page F-8 states "the proposed off-site traffic mitigation and improvements will address some existing safety issues, based on a study of three years of accident data..." The study is supposed to address all safety issues, not just some.
20. Page F-9 lists five items that was considered when looking at the number of land-use combinations. Interestingly though, roadway safety off-site was not one of their listed considerations.
21. The report continues on Page F-9 stating that "this detailed analysis was prepared so that the eventual developing entity/entities can rely on this traffic study (and its associated DEIS) and the Towns findings to develop individual lots and install any necessary traffic mitigation." The consultant is placing the town as a responsible entity for developing necessary traffic mitigation. It's the applicant that is responsible to prepare the mitigation. Again, it obviously cannot, without knowing what the application is applying for.
22. Since the study was prepared, there are many new manuals that have been updated that must be used in 2022. They include the Highway Capacity Manual 7, a new Trip Generation Manual and Parking Generation Manual. Again, the report needs to be thoroughly updated with the latest acceptable industry-wide manuals.
23. The report states that the AADT in 2017 on state Route 25A and is 17,300 vehicles per day. That is five years ago. This must be updated.
24. The accident history used was from 2014 through 2017. Even 5 to 8 years ago there was a large accident history in and around the area of the site. It doesn't appear that these were addressed yet. They all should be addressed. The applicant should have a complete understanding of what they would like to build and their impacts to the local community and local roadway system. These are mostly residential streets. Placing an extremely large burden upon them does not support traffic safety to the community. Again, five years old. This must be updated as well, for current conditions. All standard guidelines for traffic impact studies dictate at least a three-year accident period, prior to the current year, is required. The do not meet this requirement.
25. On page F – 28, it discusses traffic volumes. For some reason, traffic volumes were only taken part of the day. Normally, traffic volumes are taken with tubes

- which are 24 hour counts and taken during a seven-day period. Why were these counts not taken during the full 24 hours and during a seven-day week. Were they hand counted? This does not make sense. It appears that with the various types of land uses proposed, the peak periods would actually be scattered throughout the day and weekends. This would require 24 hour counts, and that sporadic counts on certain days of the week at certain times does not make any engineering sense.
26. The report appears to feel that the catering hall delivers the largest amount of traffic for parking purposes and for roadway concerns. In actuality, the catering only occurs sporadically during the week. An analysis of the catering events should have been completed for a two or three year period to determine the actual impact it has on the exterior roadway system. That should be done in the new updated study.
27. On page F – 29 it discusses seasonal adjustment factors. They used the NYS DOT “monthly adjustment factor” as a reasonable substitute for peak season traffic counts. This might be correct in different areas of Long Island. The report used the lowest factor group. This is the one that presumes there is not much of a difference in seasonal factors in the St. James area. The question is, what is the seasonal factor for the St. James area. The consultant should have done an analysis of traffic volumes during various times of the year near the site location. The seasonal factor they used between the winter months to the summer months was a difference of only 12%. Knowing Long Island for over 50 years, this seems low. Many of the issues brought up in this report can be addressed by updating the report and performing new traffic counts this summer.
28. While doing their existing level of service analysis, some of the approaches at key intersections, near the site, like Route 25A and Mills Pond Road as well as Route 25A at Stony Brook Rd. had some approaches “currently” at Level of Service F. The same had occurred at Moriches Road and Route 347, Route 25A at Main St., Stony Brook Road at South Drive, among many others. An accurate, updated traffic study must be done.
29. As mentioned previously, other planned developments that were anticipated, may have occurred or may not. Other developments that weren’t even thought about five years ago may be in consideration today. The report continuously discusses possible future applications that weren’t even included in the study they prepared in 2017. These must be looked at now.
30. The report discusses on page F-52 the use of auxiliary lanes. It states that there is no apparent site distance issue based on road geometrics. They state that the proposed 25A driveway has better site lines than the current apron. Did they do

an analysis of the site lines? They should have in order to make that conclusion. It goes on to state that as a secondary consideration, it suits the character of the area if there are no acceleration/deceleration lanes at the site driveways. That is the point of this application. The character of the area would be changing if the improvements proposed are implemented.

31. They state on page F-54 that the existing lot one buildings has historically had low intensity parking demand. Is it going to change? How?
32. They discuss landbank and shared parking. What acceptable walking distances did they consider between the different parking locations in the actual buildings that are generating the parking requirements?
33. They continuously discuss that the hotel and conference center would complement each other. That might hold true if the catering hall has mostly outside the area functions, be it from outside Long Island, outside New York State, etc. Based on my understanding, most of the functions that are held in the catering facility draw local people who will not be necessarily using the hotel for its clients. If this is true, their presumption that many of the same people who use the catering hall is inaccurate and should be relooked at.
34. The FEIS actually increased the new office/medical space by 23,110 ft.². It also increased the assisted living units by 30. These items obviously must be addressed in a revised study.
35. On page F-59 it discusses trip generation. It uses an outdated ITE Trip Generation Manual Published in 2017. There Is a new Manual that was published October 2021 which should be used in the report. They show Table 6-3, Baseline Trip Generation, but do not specifically refer to it in the report. It does indicate that during a p.m. peak hour, considering the possible uses for the sites in 2017, there would be a total of 538 trips per hour. Using their seasonally adjusted existing p.m. peak hours volumes there were only 187 vehicles going northbound on Mills Pond Road passing by the site. There were 148 vehicles going southbound past the site or a total of 335 vehicles passing the site. They are now using 538 trips per hour passing the site, or 61% more vehicles passing the site with their theoretical uses. That is a tremendous impact on a local road system that is geared for residential traffic.
36. On page F-60, where they discuss internal trips, they claim there is a degree of synergy, or multiple uses that attract/serve the same people. This is not true at all. The largest trip generator, the medical office building does not relate to the hotel or catering as a use that might be shared on the site. They use a 20% internal trip synergy between the catering hall and the hotel. This is entirely incorrect. There is nothing in their report to support this. This reduces the number of cars on the

roadway by an extremely large number. There is literally no justification given to this presumption. Please see our earlier comments on this. This will affect the Levels of Service throughout the area roadways and give credit where there is no credit to be given. This whole concept must be reviewed and revised in order to consider reality.

If there are any questions, do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "Steve Schneider". The signature is written in a cursive, flowing style.

Steven Schneider, P.E.

EXHIBIT A

Steven Schneider, P.E.
Principal

As Principal of the firm, Mr. Schneider has 50 years of experience in the Civil Engineering field. Mr. Schneider's experience and expertise includes all aspects of traffic engineering, traffic accident cases (including reconstruction), intersection design, traffic signal design, roadway design and maintenance, parking lot design, industry and local standard policies and procedures, condemnation cases, site plan development, storm and sanitary sewer design, traffic impact studies, construction site safety analysis, building inspection, regional planning, and general traffic and transportation engineering.

In the traffic engineering field Mr. Schneider has prepared Traffic Impact Studies, parking evaluations, design and construction of roads, shopping centers, traffic signals, etc. This includes project coordination, field inspection of on-site and off-site drainage and paving and parking lot design. He has represented many municipalities throughout New York State including the Towns of Huntington, Brookhaven, Islip, Southold, Oyster Bay, Hempstead and North Hempstead, and the Villages of Patchogue, Great Neck, Valley Stream, East Hills and Lake Success.

Mr. Schneider's expert witness testimony on all zoning cases is widely known throughout the industry. He has represented major national chains, municipalities (including Counties, Towns and Villages) and a State Attorney General's Office. Schneider Engineering's state-of-the-art computer expertise is used extensively in Mr. Schneider's testimony for presentation purposes. He is also a building violations expert.

As a forensic traffic accident expert, he has provided technical analyses for accident reconstruction including determination of vehicular speeds, skidding properties, hydroplaning, sight lines and identification of deficiencies in geometrics, banking, drainage, signing, pavement markings, pavement design and condition, edge drop-offs, traffic signals, guide rails and other safety devices. As a traffic accident expert, he has represented the Towns of Brookhaven and Hempstead on Long Island and many counties throughout New York State, including Erie County in Upstate New York. Half of his cases have been representing plaintiffs. In addition, he has provided technical analysis for construction site safety, concerning equipment and techniques, in addition to being an expert witness on trip and falls.

Previously, Mr. Schneider was Director of Engineering for a Fortune 500 engineering firm where he was responsible for senior management duties including surveying, site development, roadway design, and traffic and transportation engineering.

During his career, Mr. Schneider has worked on behalf of a variety of public agencies including the New York State Department of Transportation, the Tri-State Regional Planning Commission, and the Long Island Rail Road. His duties have included full project development and implementation, securing public funds, presentations to public

boards and community groups, and coordination with other governmental agencies and jurisdictions.

Mr. Schneider has represented many insurance companies including Aetna, Allstate, Cigna, Country-Wide, GEICO, Guide One, Liberty Mutual, Metropolitan, Nationwide, Prudential, State Farm, Travelers and Zurich.

In addition, he has also developed and taught courses for major universities in New York and New Jersey on such topics as traffic and transportation engineering, engineering economics, mechanics for engineers, and cost estimates for construction equipment. Mr. Schneider has also taught a Professional Engineering License Review Course.

EDUCATION

1970 - B.S. Civil Engineering, Ohio State University

1974 - M.S. Transportation Planning and Engineering, Polytechnic University of New York

LICENSES

State of New York Professional Engineers License #51977

State of New Jersey Professional Engineers License #34249

State of Florida Professional Engineers License #46083